IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

and
HON'BLE SRI JUSTICE M.NARAYANA REDDY

WRIT PETITION NO : 23662 of 2004

Between:

Dulam Suryakanta Rao, S/o.Late Raja Rao,
R/o.Savaravilli Village, Bhogapuram Mandal,
Vizianagaram Dist.

..... PETITIONER

AND

1 The Pollution Control Board,rep. by Environmental Engineer, Vizianagaram.
2 The Dist.Medical & Health officer, O/o.D.M. & H.O., Vizianagaram.
3 The Dist.Collector, Visakhapatnam, Visakhapatnam Dist.
4 Chintapalli, Surappadu, S/o.Late Narayana,
R/o. Polipalli Village, Bhogapuram Mandal,
Vizianagaram Dist.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any writ, order or direction particularly a writ in the nature of Mandamus directing the official respondents not to issue any permission to the 4th respondent to construct the mills beside the house of the petitioner in the midst of the residential colony near vicinity of primary health centre and primary school and pass such other relief or reliefs as this Hon'ble court may deem fit, just and necessary in the circumstances of the case.

Counsel for the Petitioner : MR.B.M.PATRO

Counsel for the Respondent No.1: MR. S.V. BHATT.

Counsel for the respondent Nos.2 & 3: G.P. FOR MEDICAL, HEALTH AND FAMILY WELFARE.

Counsel for the respondent No.4: None appeared.

The Court made the following :

ORAL ORDER:

(per Hon'ble The Chief Justice)

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1 . Grievance of the petitioner is that without taking permission for establishment of industry, namely, saw mil, flour mill and rice mill, in the midst of the residential colony, primary health center and the primary school in the center of the village, construction being raised by 4th respondent. Accordingly prayer has been made seeking a Mandamus not to issue consent for establishment of the industry. On 15.12.2004 a representation is stated to have been sent to the respondents.

2 . The writ petition can be disposed of at this stage itself by directing 1st respondent to consider the writ petition itself as a representation and on consideration of the same, to have the site duly inspected and to pass appropriate orders thereupon in accordance with law. Only in the event of petitioner feeling aggrieved against the order to be passed by 1st respondent, he can question the same in accordance with law. Accordingly writ petition is disposed of with direction to 1st respondent to treat the writ petition itself as a representation and on consideration of the same, to have the site duly inspected and to pass appropriate orders thereupon within a period of four

weeks from the date of receipt of a copy of the order from this Court. No costs.

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DEVINDER GUPTA. C.J.,

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M. NARAYANA REDDY. J.,

Dated: 20.12.2004.

VRK.

To

1 The Environmental Engineer, Pollution Control Board,

Vizianagaram.
2 The Dist.Medical & Health officer, O/o.D.M. & H.O., Vizianagaram.
3 The Dist.Collector, Visakhapatnam, Visakhapatnam Dist.
4. Two CCs to G.P. for Medical, Health & Family Welfare, High Court Buildings, Hyderabad (OUT).

5. Two CD copies.

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

AND

HON'BLE SRI JUSTICE M. NARAYANA REDDY.

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W.P.NO. 23662 OF 2004.

(Order of the Bench delivered by

Hon'ble The Chief Justice)

Dt: 20.12.2004.

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